

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESale PRICE	)	
LITIGATION	)	MDL No. 1456
<hr/>	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti B. Saris
	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	
<i>the Florida Keys, Inc., v. Abbott Laboratories,</i>	)	
<i>Inc., Civil Action No. 06-11337-PBS</i>	)	
	)	
<i>United States of America ex rel. Ven-a-Care</i>	)	
<i>of the Florida Keys, Inc., et al. v. Dey, Inc., et</i>	)	
<i>al., Civil Action No. 05-11084-PBS</i>	)	
	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	
<i>the Florida Keys, Inc., et al. v. Boehringer</i>	)	
<i>Ingelheim Corp., Civil Action No. 07-10248</i>	)	

**AUGUST 1, 2007 STATUS REPORT OF THE UNITED STATES AND THE RELATOR  
VEN-A-CARE OF THE FLORIDA KEYS**

The United States of America ("United States") and Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care" or the "Relator"), Plaintiffs, through their undersigned counsel, respectfully file this Status Report for August 1, 2007 in accordance with the Court's June 17, 2004 Procedural Order and state:

MDL Docket Number 06-11337

Original Jurisdiction: United States District Court Southern District of Florida

Pending Motions	Responsive Memoranda	Hearing Date
United States' Motion to Compel Abbott to Respond to the United States' First Set of Interrogatories, Memo in Support of its Motion to Compel Abbott to Respond to the United States First Set of Interrogatories and United States' Motion for Leave to File Under Seal Exhibits to its Memorandum in Support of its Motion to Compel Abbott to Respond to the United States' First Set of Interrogatories filed on April 16, 2007. (Docket 4060, 4061 and 4063)	Docket 4152  Sealed Exhibits (Docket 4114, 4115 and 4116)	  June 19, 2007
Abbott's Renewed Motion to Compel Production of Ex Parte Filings filed April 26, 2007. (Docket 4080); Addendum to Motion (Docket 4299)	Docket 4208	June 19, 2007
Abbott's Motion to Dismiss or Partially Dismiss the United States First Amended Complaint (Docket 4469, 4470)	Due August 24, 2007	none scheduled

<b>Pending Motions</b>	<b>Responsive Memoranda</b>	<b>Hearing Date</b>
Dey Defendants' Motion to Amend the Court's July 17, 2007 Memorandum and Order to Include a Certification of Immediate Appeal Pursuant to 28 U.S.C. § 1292(b), filed July 31, 2007 (Docket #4523)	[None filed; plaintiffs anticipate filing an opposition]	None scheduled

<b>Pending Motions</b>	<b>Responsive Memoranda</b>	<b>Hearing Date</b>
Roxane Defendants' Joint Motion to Dismiss the U.S. Complaint, filed March 22, 2007 (Dkt #14)	Docket 22 (U.S. Opposition); Docket 23 (Defendants' Reply); Docket 27 (U.S. Surreply)	June 20, 2007
Roxane Defendants' Joint Motion to Dismiss the Relator Ven-a-Care's Complaint, filed April 23, 2007 (Dkt #20)	Docket 24 (Relator's Opposition); Docket 28 (Defendants' Reply)	June 20, 2007

Respectfully Submitted,  
For the United States of America,

Dated: August 1, 2007

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

PETER D. KEISLER  
ASSISTANT ATTORNEY GENERAL

/s/ George B. Henderson  
George B. Henderson, II  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
Suite 9200, 1 Courthouse Way  
Boston, MA 02210  
Phone: (617) 748-3272  
Fax: (617) 748-3971

/s/ Renée Brooker  
Joyce R. Branda  
Daniel R. Anderson  
Renée Brooker  
Justin Draycott  
Gejaa T. Gobena  
Civil Division  
Commercial Litigation Branch  
P. O. Box 261  
Ben Franklin Station  
Washington, D.C. 20044  
Phone: (202) 307-1088  
Fax: (202) 307-3852

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

/s/ Mark A. Lavine  
Mark A. Lavine  
Ana Maria Martinez  
Ann St. Peter-Griffith  
Special Attorneys for the Attorney General  
99 N.E. 4th Street, 3rd Floor  
Miami, FL 33132  
Phone: (305) 961-9003  
Fax: (305) 536-4101

For the relator, Ven-A-Care of the Florida  
Keys, Inc.,

/s/ Alison W. Simon  
James J. Breen  
Alison W. Simon  
The Breen Law Firm, P.A.  
3350 S.W. 148th Avenue  
Suite 110  
Miramar, FL 33027  
Tel: (954) 874-1635  
Fax: (954) 874-1705  
Email: [jbreen@breenlaw.com](mailto:jbreen@breenlaw.com)  
Email: [alisonwsimon@breenlaw.com](mailto:alisonwsimon@breenlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above **STATUS REPORT - AUGUST 1, 2007 OF THE UNITED STATES AND THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Mark Lavine

Dated: August 1, 2007